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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,129	05/05/2004	Raymond Heidel	359999.33	7232
7590 David B. Abel DLA Piper Rudnick Gray Cary US LLP Fourth Floor 1999 Avenue of the Stars Los Angeles, CA 90067	03/07/2007		EXAMINER SHAPIRO, JEFFERY A	
			ART UNIT 3653	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	03/07/2007	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/840,129	HEIDEL, RAYMOND
	Examiner	Art Unit
	Jeffrey A. Shapiro	3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 03 January 2007.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 26-30 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 26-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramachandran et al (US 6,941,274 B1) in view of Katou et al (US 2004/0182677A1).

As described in Claims 26-30, Ramachandran discloses an automated transaction machine (ATM) of the recycling currency type, as mentioned in Ramachandran's abstract and at col. 2, lines 45-59, said ATM intended to be used in a vending machine for the purpose of providing ATM capabilities such as accepting and dispensing currency notes.

As described in Claims 26-30, Ramachandran does not expressly disclose, but Katou et al discloses a note validator (30), a validator processor (35) with memory (107d), a note box (60, 80 and 81), a temporary storage hopper (40), a transportation unit (501a-h), (502a-b), (503a-c), (504), (901a-e), (902a-e) and (903a-e), the notes being sent through validator (30) in either direction (501b). Note that the deposit/withdrawal port (20) can be construed as the validator opening, with the entire structure (1) being construed as the validator. Note also that bill discrimination unit (30) can be construed as inherently sensing actual bill pattern information for comparison

with template patterns stored in memory (107d) and as inherently determining the value of bills detected as received and dispensed by the apparatus.

Regarding Applicants' newly added claim language, the phrase "for accepting currency notes and issuing credits to the host processor to cause the dispensing of the commercial products" is considered intended use language with no patentable weight. Nonetheless, Katou highly suggests that it performs the credit/debit accounting function. See Katou, figure 2 and paragraph 62. Note that this is how all bill handling devices operate. Katou similarly is considered to suggest a configuration to "accept a dispense change instruction from said host processor", since this is how bill handling devices operate.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have embodied Katou's note handling mechanism in place of Ramachandran's note handling mechanism for use in a combination ATM/vending machine that dispenses merchandise.

The suggestion/motivation to do so would have been for the purpose of providing a smaller, more reliable note handling device for vending machines which does not cause bill jams. See Katou, paragraph 5, first five lines and paragraphs 9-11. Further, one ordinarily skilled in the art would have recognized the benefit of combining an ATM and vending machine because customers drawn to the vending machine to obtain money through the ATM device of the vending machine may be more willing to make impulsive purchases from the vending machine portion of the apparatus due to the

availability of currency, thereby resulting in increased sales of vended goods as compared to a free-standing vending machine.

3. Claims 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramachandran et al (US 6,941,274 B1) in view of Graef et al (US 6,315,194 B1).

As described in Claims 26-30, Ramachandran discloses an automated transaction machine (ATM) of the recycling currency type, as mentioned in Ramachandran's abstract and at col. 2, lines 45-59, said ATM intended to be used in a vending machine for the purpose of providing ATM capabilities such as accepting and dispensing currency notes.

As described in Claims 26-30, Ramachandran does not expressly disclose, but Graef et al discloses a note validator (72 and 258), a validator processor (254) with memory (256) (see also Graef col. 6, lines 10-25), a note box (30, 32, 34, 36, 38 and 40), of which any of said note boxes can be used as a temporary storage hopper, a transportation unit (17, 192, 285) (see also figures 12-15), the notes being sent through validator (72 or 258) in either direction. Note that the deposit/withdrawal port (20) can be construed as the validator opening, with the entire structure (10) being construed as the validator. Note also that bill discrimination/validator unit (72 and 258) can be construed as inherently sensing actual bill pattern information for comparison with template patterns stored in memory such as (256) and as inherently determining the value of bills detected as received and dispensed by the apparatus. See also Graef, col. 14, lines 11-55.

Regarding Applicants' newly added claim language, the phrase "for accepting currency notes and issuing credits to the host processor to cause the dispensing of the commercial products" is considered intended use language with no patentable weight. Nonetheless, Graef highly suggests that it performs the credit/debit accounting function as described in col. 13, lines 25-35 and col. 14, lines 25-55. Note that this is how all bill handling devices operate. Graef similarly is considered to suggest a configuration to "accept a dispense change instruction from said host processor", since this is how bill handling devices operate.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have embodied Graef's note handling mechanism in place of Ramachandran's note handling mechanism for use in a combination ATM/vending machine that dispenses merchandise.

The suggestion/motivation to do so would have been for the purpose of providing a more reliable note handling device for vending machines which does not cause bill jams and maintains the operability of the sheet path. See Graef, col. 2, lines 5-30 and 40-50. Further, one ordinarily skilled in the art would have recognized the benefit of combining an ATM and vending machine because customers drawn to the vending machine to obtain money through the ATM device of the vending machine may be more willing to make impulsive purchases from the vending machine portion of the apparatus due to the availability of currency, thereby resulting in increased sales of vended goods as compared to a free-standing vending machine.

***Response to Arguments***

4. Applicant's arguments with respect to Claims 26-30 have been considered but are moot in view of the new ground(s) of rejection.

As described above, Ramachandran describes combining an ATM with a vending machine. It is therefore follows that it would have been obvious to combine Katou's ATM and bill path devices with Ramachandran's vending machine for the purpose of including a device which is small, compact and reduces/eliminates bill jams or to combine Graef's ATM and bill path devices with Ramachandran's vending machine for the purpose again of improving the bill handling characteristics of the vending machine bill handler.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (571)272-6943. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571)272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAS

March 3, 2007

  
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